

ESTTA Tracking number: **ESTTA531500**

Filing date: **04/10/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	2323 N. Milwaukee LLC		
Entity	Limited Liability Company	Citizenship	Illinois
Address	2323 N. Milwaukee Ave. Chicago, IL 60647 UNITED STATES		

Attorney information	Glenn A. Rice FUNKHOUSER VEGOSEN LIEBMAN & DUNN LTD. 55 W. Monroe, Suite 2300 Chicago, IL 60603 UNITED STATES grice@fvldlaw.com Phone:312 701-6895
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Applicant Information

Application No	85751099	Publication date	03/19/2013
Opposition Filing Date	04/10/2013	Opposition Period Ends	04/18/2013
Applicant	redskul beverage company, LLC 260 Three Cedars Drive Lake Saint Louiis, MO 63367 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. All goods and services in the class are opposed, namely: Alcoholic cocktail mixes; Gin; Hard cider; Liquor; Rum; Vodka

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	RED SKULL		
Goods/Services	Beer		

Attachments	RedSkul_Notice_of_Opposition_vF_FVLD_20130410.pdf (4 pages)(20285
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Glenn Rice/
Name	Glenn A. Rice
Date	04/10/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of Application Serial No. 85751099 for the mark redskul
Published in the *Official Gazette* on March 19, 2013**

2323 N. MILWAUKEE LLC,)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
REDSKUL BEVERAGE)	
COMPANY, LLC,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer 2323 N. Milwaukee LLC, an Illinois limited liability company with a principal place of business in Chicago, Illinois (“Opposer”), believes it will be damaged by registration of the mark redskul shown in Application Serial No. 85751099 filed by Applicant redskul beverage company, LLC (“Applicant”), and hereby opposes the same.

As grounds in support of its opposition, Opposer alleges:

1. Opposer is engaged in the business of producing and selling craft beer through its affiliated and related companies and is owner of the trademark Red Skull for beer. Petitioner has developed substantial goodwill and value in its Red Skull trademark.

2. On October 11, 2012, Applicant filed the application opposed, Application Ser. No. 85751099, to register the mark redskul for: “Alcoholic cocktail mixes; Gin; Hard cider; Liquor; Rum; Vodka.”

3. Since well prior to the filing date of the application opposed herein and any date of first use upon which Applicant can rely, Opposer and its related company have used the trademark Red Skull for beer. Opposer's rights in its Red Skull mark were accordingly established prior to any date on which Applicant can rely, and priority is not an issue.

4. Opposer's Red Skull mark and Applicant's redskul mark shown in Application Ser. No. 85751099 are all but identical.

5. Applicant's redskul mark is likely to cause confusion, mistake, and/or deception in that consumers are likely to believe that Applicant's product is Opposer's product or the product of a company that is sponsored, authorized or licensed by, or in some other way legitimately connected with Opposer.

6. Applicant's use and registration of the mark redskul is without Opposer's permission or authorization.

7. By reason of the foregoing, Opposer would be damaged by Applicant's registration of the mark redskul as sought in Application Serial No. 85751099.

WHEREFORE, Opposer 2323 N. Milwaukee LLC respectfully requests that this opposition be sustained and the registration sought by Applicant in Application Serial No. 85751099 for the mark redskul be denied.

Please address all correspondence to Glenn A. Rice at Funkhouser Vegosen Liebman & Dunn Ltd., 55 W. Monroe, Suite 2300, Chicago, Illinois 60603.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has caused the foregoing Notice of Opposition to be served upon Applicant in these proceedings by depositing a true copy of the same with the United States Postal Service as first class mail in a sealed envelope, postage prepaid, addressed to:

Jeffrey Bican
redskul beverage company, LLC
260 Three Cedars Drive
Lake Saint Louis, Missouri 63367

on this 10th day of April, 2013.

/s/Glenn A. Rice

Counsel for Opposer
2323 N. Milwaukee LLC